

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

SALA-THIEL THOMPSON,	:	
Petitioner,	:	
	:	
	:	PRISONER
v.	:	Case No. 3:04CV823 (CFD)
	:	
WAYNE CHOINSKI and	:	
FEDERAL BUREAU OF PRISONS,	:	
Respondents.	:	

RULING ON PETITION FOR WRIT OF HABEAS CORPUS

The petitioner, Sala-Thiel Thompson (“Thompson”), is a federally-sentenced prisoner currently confined at the Northern Correctional Institution in Somers, Connecticut. He brings this action for a writ of habeas corpus, pursuant to 28 U.S.C. § 2241. The court concludes that it lacks jurisdiction under section 2241 to entertain Thompson’s claims.

Procedural Background

Thompson was convicted in the United States District Court for the Southern District of Florida, and sentenced to a total effective term of imprisonment of 371 months. His conviction was affirmed by the United States Court of Appeals for the Eleventh Circuit in October 1995. A motion filed pursuant to 28 U.S.C. § 2255 was denied by the district court in Florida in August 1998. The denial was affirmed by the Eleventh Circuit in 2001.

By petition dated May 10, 2004, Thompson commenced this action pursuant to 28 U.S.C. § 2241. He challenges his conviction on five grounds relating to the jurisdiction of the court in which he

was convicted and venue.

Discussion

As an initial matter, the court must determine whether it has jurisdiction to entertain Thompson's claim in a petition filed pursuant to 28 U.S.C. § 2241. For the reasons that follow, the court concludes that it does not have jurisdiction to entertain his claim.

Since the enactment of the Judiciary Act of 1789, the federal court in the district in which a prisoner is incarcerated has been authorized to issue a writ of habeas corpus if the prisoner was in custody under the authority of the United States. See Triestman v. United States, 124 F.3d 361, 373 (2d Cir. 1997). Today, this authority is codified at 28 U.S.C. § 2241(c)(3). In 1948, however, Congress enacted 28 U.S.C. § 2255. This statute "channels collateral attacks by federal prisoners to the sentencing court (rather than to the court in the district of confinement) so that they can be addressed more efficiently." Id.

Currently, "[a] motion pursuant to [section] 2241 generally challenges the *execution* of a federal prisoner's sentence, including such matters as the administration of parole, computation of a prisoner's sentence by prison officials, prison disciplinary actions, prison transfers, type of detention and prison conditions." Jiminian v. Nash, 245 F.3d 144, 146 (2d Cir. 2001) (citing Chambers v. United States, 106 F.3d 472, 474-75 (2d Cir. 1997) (describing situations where a federal prisoner would properly file a section 2241 petition)). A section 2255 motion, on the other hand, is considered "the proper vehicle for a federal prisoner's challenge to [the imposition of] his conviction and sentence." Id. at 146-47. Thus, as a general rule, federal prisoners challenging the imposition of their sentences must do so by a motion filed pursuant to section 2255 rather than a petition filed pursuant to section

2241. See Triestman, 124 F.3d at 373.

In his section 2241 petition, Thompson challenges his conviction, claims properly raised in a section 2255 motion, and, hence, with the sentencing court in Florida. Section 2255 contains a “savings clause” which “permits the filing of a [section] 2241 petition when [section] 2255 provides *an inadequate or ineffective remedy* to test the legality of a federal prisoner’s detention.” Jiminian, 245 F.3d at 147 (emphasis added); see also, e.g., Tucker v. Nash, No. 00-CV- 6570(FB), 2001 WL 761198, at *1 (E.D.N.Y. June 29, 2001) (referring this section as the “‘savings clause’ of § 2255”).

Thompson argues that section 2255 is inadequate and ineffective because, in his view, lack of jurisdiction in the sentencing court is a challenge to the conditions of his confinement, not to his conviction. This court disagrees. Thompson argues that the sentencing court lacked subject matter jurisdiction over his criminal case and lacked personal jurisdiction over him. He also contends that venue was improper and that the government never established probable cause for his arrest. If the district court lacked jurisdiction over Thompson’s criminal case or the government failed to establish probable cause, his conviction necessarily would be invalid. Thus, Thompson’s challenge is to his conviction.

Thompson does not indicate that he has attempted to file a successive section 2255 petition in the sentencing court. This court concludes that the exception does not apply in this case because section 2255 relief still is available to Thompson. Thus, the District of Connecticut lacks jurisdiction to entertain his section 2241 petition.

The Second Circuit has held that, where a petitioner already has filed a section 2255 motion, the district court may construe a petition filed pursuant to section 2241 as a second section 2255

motion and transfer the motion to the Court of Appeals to enable that court to determine whether certification to file a second petition should be granted. See Jiminian, 245 F.3d at 148-49. Thompson was convicted in the United States District Court for the Southern District of Florida. Thus, transferring this case to the Second Circuit would serve no purpose. In the interests of justice, the case is hereby transferred to the United States District Court for the Southern District of Florida, for whatever action that court deems appropriate. See 28 U.S.C. § 1406(a) (permitting a district court, in the interest of justice, to transfer a case to a district in which it could have been brought).

Conclusion

Based on the foregoing, the court concludes that it lack jurisdiction to entertain Thompson's petition pursuant to section 2241. The petition is hereby transferred to the United States District Court for the Southern District of Florida, in Miami, Florida, for whatever action that court deems appropriate. Thompson's motion for hearing and discovery [doc. #3] is DENIED without prejudice to refiling in the Southern District of Florida.

SO ORDERED this _____ day of July, 2004, at Hartford, Connecticut.

Christopher F. Droney
United States District Judge